

No. 11, are sufficient to entitle them to the benefit of the proof since taken ; and as the case must go again to the Auditor, it seems but equitable that the proof taken in support of claims, numbered 62 and 63, should also be let in, as well as the proof in support of any other claim, which may have been rejected under similar circumstances. The defence of limitations to avail, however, as before ordered, in favor of the parties who have relied upon the statute.

[No appeal from this decree.]

[*Note by the Reporter.*—The following is the form of the order passed upon the filing of the Auditor's first report in a creditor's suit, where objections have been taken by the parties or any of the creditors. When limitations are relied upon, the objection avails only in favor of the party setting it up. When full proof is demanded, the objection is understood to go to the whole claim, and must be met by the same proof that would be required if the claimant or party had filed an original bill ; though it will be seen, that the order provides a summary way of taking it.

“*Ordered*, That the exceptions to the Auditor's report filed in this cause, stand for hearing on the next ; and, that any creditor of the deceased, whose claim is stated, or noticed in the Auditor's report, and, also, any of the parties to this suit, be, and they are hereby, severally authorized to take the depositions of any witnesses in relation to such claims, before any justice of the peace ; provided, that three days notice be given, as usual, by the creditor in whose behalf the testimony is proposed to be taken, to some two or three other creditors, or one or more of the parties or their solicitor ; or, by one or more of the parties in whose behalf the testimony is proposed to be taken, to some two or more of the creditors, or to their solicitor. But the creditor against whose claim the testimony, when taken, is intended particularly to operate, must himself, or his solicitor, be notified. And, depositions so taken, subject to all legal exceptions, may be read in evidence in the cause ; provided, they are filed in the chancery office, on or before the next.]